

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
TEXARKANA DIVISION**

**ROSIE L. DAVIS, ET AL**

**PLAINTIFFS**

**v.**

**CASE NO. 4:88-CV-4082**

**WILLIAM DALE FRANKS, ET AL**

**DEFENDANTS**

**BRIEF IN SUPPORT OF  
JOINT MOTION FOR APPROVAL OF SCHOOL BOARD DISTRICT REZONING**

Come now the school district defendants, Hope School District No. 1A of Hempstead County, Arkansas (“HSD”), through its attorney, Whitney F. Moore, and the plaintiffs, through their attorney, Shawn Childs, and for their Brief in Support of Joint Motion for Approval of School Board District Rezoning, state:

This Court has jurisdiction over the parties and the subject matter hereto. This action was instituted to desegregate defendant school district’s public schools and remove the vestiges of segregation, including discriminatory governance.

HSD is currently operating under orders of this Court enforcing school desegregation and has a zoned board of directors that meets the requirements of the federal Voting Rights Act of 1965. Arkansas law requires school board zones to have “substantially equal population, with boundaries based on the most recent available federal decennial census information.” Ark. Code Ann. § 6-13-631(b). New census information was provided to HSD in Fall 2021, following the 2020 Census.

HSD last rezoned its school board zones following the 2010 decennial census. By joint motion filed herein on May 2, 2013 (ECF No. 96), approved by order entered on May 3, 2013

(ECF No. 97), HSD adopted new board zones and converted from an eight-member board to a seven-member board.

The Board of Directors for HSD (hereafter, the “HSD Board”) voted on November 18, 2021 to approve the maps identified as “Option 2,” which were created and provided by EFS GeoTechnologies for school board rezoning. Copies of the maps comprising “Option 2” are attached to the motion filed herewith as a single Exhibit A. This exhibit includes both a zone map for the entire district and individual maps for each of the seven zones. The HSD Board also voted to convert to five-year terms from three-year terms. Copies of the resolutions adopted by the HSD Board on October 18, 2021 and November 18, 2021 are attached to the motion filed herewith as a single Exhibit B.

The November 18 resolution and “Option 2” maps provide that the zones for each school board position will be redrawn in accordance with the 2020 decennial census, and that the HSD Board will be comprised of seven members, in accordance with Ark. Code Ann. § 6-13-631. As stated, the HSD Board also voted to convert to five-year terms from three-year terms, as permitted by Arkansas law in Ark. Code Ann §§ 6-13-608 and 6-13-631(d)(2). The “Option 2” maps provide black voters the opportunity to elect board members in proportion to their overall presence in the voting age population, as required by the Voting Rights Act. The “Option 2” maps also provide for seven zones which are substantially equal in total population, as that phrase is interpreted for purposes of compliance with the “one-man-one vote” requirements of the Fourteenth Amendment to United States Constitution. The “Option 2” maps comply with said requirements.

The parties jointly request that HSD’s actions in adopting the “Option 2” maps for school board re-zoning, and converting from three to five-year terms, be approved and that elections be held thereunder at the regular school elections in May 2022. Due to the upcoming regular school

elections scheduled for May 2022, the parties request that the Court issue an order approving immediate implementation of the aforesaid “Option 2” maps as governance for HSD at the Court’s earliest convenience. A copy of a draft consent order is attached to the motion filed herewith.

The parties further agree that the Court has jurisdiction and continuing supervision over desegregation generally until such time as the Court relinquishes jurisdiction.

WHEREAS, defendants and plaintiffs jointly request that the Court approve their above agreed upon order as a consent decree herein, subject to the further orders, actions, and exercise of jurisdiction by the Court.

Respectfully submitted,

By: /s/ Shawn Childs Shawn  
G. Childs – ABN 99058  
WALKER & CHILDS, PLLC  
1815 S. State Street  
Little Rock, AR 72206  
Telephone: 501-287-8680  
Email: schilds@gabrielmail.com

Counsel for Plaintiffs

BY: /s/ Whitney Moore  
Whitney F. Moore – ABN 2009193  
WHITNEY F. MOORE, P.A.  
P.O. Box 280  
Camden, AR 71711  
Telephone: 870-818-5490  
Email: whitney@aprobertslaw.com

Counsel for Defendants

**CERTIFICATE OF SERVICE**

I, Whitney F. Moore, do hereby certify that on March 11, 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which shall send notification of such filing to:

All counsel of record

**/s/ Whitney F. Moore**  
Whitney F. Moore